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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/425,471	10/22/1999	JULIE A. GESCHWENDER	FDC-0136-PUS	9603

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[REDACTED] EXAMINER

POINVIL, FRANTZY

ART UNIT	PAPER NUMBER
2164	8

DATE MAILED: 01/29/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

N.M.

<b>Office Action Summary</b>	Application No. <b>09/425,471</b>	Applicant(s) <b>GESCHWENDER ET AL.</b>
	Examiner <b>Frantzy Poinvil</b>	Art Unit <b>2164</b>

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1)  Responsive to communication(s) filed on Dec 3, 2001

2a)  This action is FINAL.      2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

#### Disposition of Claims

4)  Claim(s) 1-22, 24, and 27-30 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-22, 24, and 27-30 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

15)  Notice of References Cited (PTO-892)      18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      20)  Other: \_\_\_\_\_

Art Unit: 2164

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-22 24 and 27-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gopinathan (US Patent No. 5,819,226) in view of Schott (dialog file 148, accession no. 07947406).

As per claims 1-4 and 14-17, Gopinathan et al (5,819,226) discloses a fraud detection system using predictive modeling. The system comprises a computer database for receiving contact event information from a client, a computer software in communication with the computer database for comparing the contact event information with information stored in the database and a communication networks for informing the client that a fraud match has occurred. Note column 3, line 27 to column 7, line 60 and column 27, line 48 to column 28, line 24 of Gopinathan et al.

As per claims 5 and 18, Gopinathan does not explicitly discuss card activation means. These teachings are taught by Schott. As per claim 1, in an article by Schott, it is disclosed methods currently employed to prevent credit card fraud. These methods comprise:

obtaining contact event information from a client during a contact event;  
comparing the contact event information with information stored in a database and

**Art Unit: 2164**

sending a fraud alert to a client in real time for communicating to the client that a fraud match has occurred. Note the entire article, particularly page 4.

As per claim 6 and 19, note page 4 of the article.

As per claim 7 and 20, note page 3 of the article.

As per claim 8 and 21, note page 7 of the article.

As per claim 9 and 22, note pages 2 and 6 of the article.

As per claim 10, note page 4 of the article.

As per claim 11 and 24, note page 4 of the article.

As per claim 12, note pages 4-5 of the article.

As per claim 13, note page 4-5 of the article.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Schott et al into Gopinathan et al with the motivation of checking most types of fraud that may occur in relation to the usage or activation of a financial card in a computerized system as suggested by Schott.

**Art Unit: 2164**

**RESPONSE TO ARGUMENTS:**

Claims 1-26 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Gopinathan (US Patent No. 5,819,226) in view of Schott (dialog file 148, accession no. 07947406) as set forth in the prior Office action noted above.

Applicant's representative argues that none of the cited references either alone or in combination disclose the combination of steps and that Gopinathan et al does not involve comparing contact event information with fraud infomration used in known frauds to determine if there is a fraud match.

In response, as per claims 1-2 and 14-15, Gopinathan et al discloses a method for detecting purchasing card fraud during all phases of a purchasing card life cycle. The sytem and method comprise:

obtaining contact event information from a client during a contact event (column 27, line 64 to column 28, line 2); contact information relates to customer's name and other relevant information.

comparing the contact event information with fraud infomration used in known frauds and stored in a database to determine if a fraud match between the contact event information and the fraud infomration (column 28, lines 3-15, column 27, lines 3-15, lines 48-63, column 6, lines 14-17);

**Art Unit: 2164**

sending a fraud alert to the client if there is a fraud match between the contact event information and the fraud information (column 27, line 64 to column 28, line 15, column 3, lines 52-65).

Applicant then argues that Gopinathan uses a “predictive model such as a neural network to evaluate individual customer accounts and identify potentially fraudulent transactions based on learned relationships among variables” and therefore fails to teach the claimed invention.

In response, Gopinathan does use a neural network to identify and predict fraudulent transactions. The usage of a neural network does not define from any specific comparing steps being claimed since a neural network compares past data with present data and provides associate weights or values when making a determination. It is noted that Gopinathan et al compares transaction data and fraud data from a fraud database when determining the likeliness of fraudulent transactions. Note column 6, lines 10-17 and column 25, line 61 to column 27, line 15 and lines 48 to 63. Furthermore, Gopinathan et al states that any type of predictive method can be used. Note column 4, lines 51-53.

The communication system of Gopinathan et al transmits a fraud alert to the client in real time if there is a fraud match between the contact event information and the fraud information.

As per claims 3 and 16, Gopinathan et al discloses a fraud database 1102. Note column 6, lines 1-17.

As per claims 9 and 22, Gopinathan et al teaches a merchant or client sending in real-time, an authorization request for authorization on transaction to the system of Gopinathan et al. Note

**Art Unit: 2164**

column 27, lines 64-67. The system sending back an alert signal is conventionnaly done in the art.

Note column 1, lines 48-67 and column 3, lines 56-65 of Gopinathan et al.

As per claims 12 and 24, note column 4, lines 43-62 of Gopinathan et al.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Art Unit: 2164**

4.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil, whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday through Thursday from 7:30 AM to 6:00 PM.

The fax phone number for this Art Unit is (703) 305-0040.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

FP

22Jan02

*FP*  
**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 2164**